

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7153**

**BILL NUMBER:** HB 1388

**NOTE PREPARED:** Jan 11, 2009

**BILL AMENDED:**

**SUBJECT:** Foster Care and Kinship Care.

**FIRST AUTHOR:** Rep. Summers

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
☒ **FEDERAL**

**IMPACT:** State & Local

STATE IMPACT	FY 2009	FY 2010	FY 2011
State Revenues			
State Expenditures		150,000	150,000
Net Increase (Decrease)		(150,000)	(150,000)

**Summary of Legislation:** This bill requires the Department of Child Services (DCS) to apply for federal funding if DCS receives state funding for the implementation of the kinship care navigator pilot projects.

The bill also requires DCS to: (1) exercise due diligence to identify all blood and adoptive relatives of a child alleged to be a Child in Need of Services (CHINS) who is taken into custody; and (2) provide certain notice to the blood and adoptive relatives of the child.

The bill also changes the felonies that certain individuals must have committed to be prohibited from having a child placed with certain individuals in an out-of-home placement. This bill also allows DCS to deny a foster family home license to an applicant or revoke a foster family home license of a licensee if an employee or volunteer who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant or licensee have been convicted of certain felonies within certain time periods. (Current law allows DCS to deny or revoke a license to an applicant if the employee or volunteer has been convicted of other specified felonies.)

The bill appropriates \$150,000 to DCS from the state General Fund for each year of the biennium beginning July 1, 2009, and ending June 30, 2011.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** This bill requires DCS employees to locate and notify all blood and adoptive relatives of a CHINS that is taken into state custody of the options available to them to provide kinship care to the child. DCS reports they currently exercise due diligence in contacting all blood and adoptive relatives of CHINS and notify them of the child's placement and other considerations defined in the legislation.

The bill removes current provisions requiring the kinship care navigation pilot program to be implemented upon the receipt of nonstate or private funding sources. The bill requires that if DCS receives state funding for implementation of the pilot program, that DCS is also required to apply for any applicable federal funding for program costs. The bill also appropriates \$150,000 of state funding per fiscal year to the pilot program for a total of \$300,000 during the biennium. These provisions will increase the workload of DCS employees to (1) implement the pilot program and (2) apply for applicable federal funding for the pilot program.

Currently, DCS is partnered with not-for-profit organizations to generate grant funding for kinship care navigator programs across the state. Kid's Voice, one of the not-for-profit organizations participating received a grant with the support of DCS.

**Explanation of State Revenues:** The bill also modifies the felony convictions that are applicable to (1) foster family home employees and volunteers that are grounds for a foster family home license revocation and (2) individuals selected to provide out-of-home care. The following table describes the changes made in the bill.

Offense	Current Law	As Proposed	
	Applies	Will Apply and Have No Limitations	Will Apply and Have Limitations
Murder IC 35-42-1-1	x	x	
Causing Suicide IC 35-42-1-2	x	x	
Assisting Suicide IC 35-42-1-2.5	x	x	
Voluntary Manslaughter IC 35-42-1-3	x	x	
Reckless Homicide IC 35-42-1-5	x		x (10 years)
Battery IC 35-42-2-1 A or B Felony	x	x	
Battery IC 35-42-2-1 C or D Felony	x		x (10 years)
Domestic Battery IC 35-42-2-1.3	x	x	
Aggravated Battery IC 35-42-2-1.5	x	x	
Kidnapping IC 35-42-3-2	x	x	
Criminal Confinement IC 35-42-3-3 B Felony	x	x	
Criminal Confinement IC 35-42-3-3 C or D Felony	x		x (10 years)
A felony sex conviction under IC 35-42-4	x	x	
Carjacking IC 35-42-5-2	x	x	
Arson IC 35-43-1-1 A or B Felony	x		x (10 years)
Arson IC 35-43-1-1 C or D Felony	x		
Incest IC 35-46-1-3	x	x	
Neglect of a Dependant IC 35-46-1-4(a)(1) and (2)	x	x	

Offense	Current Law	As Proposed	
	Applies	Will Apply and Have No Limitations	Will Apply and Have Limitations
Child Selling IC 35-46-1-4(d)	x	x	
Harmful Offenses to Minors IC 35-49-3	x	x	
Felony Involving a Weapon Under IC 35-47	x		x (10 years)
Felony Involving a Weapon Under IC 35-47.5	x		x (10 Years)
A felony relating to controlled substances IC 35-48-4	x		x (5 years)
Any other felony or misdemeanor harmful to a child			x

Additionally, the legislation removes applicability of these felony offenses if individuals were adjudicated of these offenses as juveniles, which may increase the number of employees and volunteers that can work in licensed foster family homes and increase the number of individuals selected to provide out-of-home care to children. Any increase in the number of foster care providers may increase federal revenue from the IV-E program.

DCS reports that the impact on foster care providers in the state and foster family homes would be minimal. Current policy is to not hire a person with a criminal history or license anyone with a criminal background. Currently, licensed child placing agencies, residential services providers, and other individuals that provide foster care can seek a waiver for an individual who would like to provide foster care but has certain convictions. Any impact on federal IV-E funding is expected to be minimal.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** DCS.

**Local Agencies Affected:**

**Information Sources:** Ann Houseworth, DCS;

**Fiscal Analyst:** Bill Brumbach, 232-9559.